IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 8178 of 1995

Between:

K.Rayapa Raju S/o.Sarraju,Polamuru,

Penumantra Mandal, W.G.District.

..... PETITIONER

AND

1 The District Collector
West Godavari at Eluru
2 The Executive Engineer C.E.R.P. Division,
Tanuku West Godavari Dist

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of mandamus directing the respondents herein to initiate proceedings under the provisions of the land Acquisition Act 1894 and pay compensation to the petitioner for the land admeasuring an extent of Ac.1-00 in RS.No.262 of Mamuduru village of Penumantra Mandal W.G.Dist and for the 27 coconut trees, 10 Palmyrah trees and other trees standing on the said land belonging to the petitioner immediately.

Counsel for the Petitioner: MR.C.RAMACHANDRA RAJU

Counsel for the Respondent Nos.1 & 2: GP For Land Acquisition &

GP for Revenue

The Court made the following :

ORDER:

This writ petition is filed by the petitioner seeking a direction to the respondents to initiate proceedings under the provisions of the Land Acquisition Act, 1894 and pay compensation to the petitioner for the land admeasuring an extent of Ac.1-00 in R.S.No.262 of Mamuduru village, Penumantra Mandal, for 27 coconut, 10 palmyrah trees and other tress standing on the said land.

The basic facts of the matter shortly stated are as under:

The petitioner is the owner of land in an extent of Ac.8-48 cents of land bearing RS.No.262 of Mamuduru village. Without consent of the petitioner and without following due process of law, the 2nd respondent occupied his land in an extent of Ac.1-00 for the purpose of Gostanadi Canal and the 2nd respondent with the aid of his subordinates cut off 27 coconut and 10 palmyrah yielding trees. He

made representation dated 10-05-1992 to the 1st respondent about the high-handed acts of the 2nd respondent and for payment of compensation. In the year 1993, the 2nd respondent through his letter dated 16-04-1993 also informed the 1st respondent to initiate the proceedings under the provisions of the Land Acquisition Act and for payment of compensation to the petitioner as the said land has been acquired for the purpose of improvements to Gostanadi canal. But, the 1st respondent failed to take steps in this regard. Hence, the writ petition.

A perusal of the record would reveal that the 2nd respondent *vide* his letter dated 16-04-1993 informed the 1st respondent about the acquisition of land of the petitioner and recommended the case of the petitioner to initiate proceedings under the provisions of Land Acquisition Act and for payment of compensation.

Having regard to the facts and circumstances of the case and also taking into consideration of the recommendations made by the 2nd respondent, it would suffice, if a direction is issued to the 1st respondent to consider the representation of the petitioner within a period of three months from the date of receipt of a copy of this order, if not already disposed of.

The writ petition is accordingly disposed of. No costs.

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23-09-2004

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To

1 The District Collector
West Godavari at Eluru
2 The Executive Engineer C.E.R.P. Division
Tanuku West Godavari Dist

3 Two CCs to GP for Land Acquisition, High Court buildings

Hyderabad, (OUT)

4 Two CD copies

5 Two CCs to GP for Revenue, High Court

Buildings,Hyderabad(OUT)